

# Juries Procedure (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

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### SCHEDULES.



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B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Procedure connected with Trial by Jury in  
Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the procedure connected with trial by jury in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Juries Procedure (Ireland) Act, 1876." Short title.

2. The term "Juries (Ireland) Acts" in this Act shall mean Interpretation.  
10 The Juries (Ireland) Acts, 1871 to 1872, and the Acts altering, amending, or affecting the same for the time being in force.

3. The Juries (Ireland) Acts as amended by this Act and this Act Construction.  
shall be construed together as one Act.

4. With respect to the summoning of jurors in rotation by the Summoning of jurors.  
15 sheriff or other officer under the Juries (Ireland) Acts, the following provisions shall have effect :

1. The names of persons who when last summoned to attend as jurors have not attended in obedience to such summons shall be taken from the jurors books by the sheriff or other officer in the same manner as the names of persons who under the provisions of the said Acts are to be taken from the jurors books in rotation as persons who have not been summoned ; and for the purpose of aiding the sheriff in ascertaining the persons who when summoned to attend as jurors have not so attended, it shall be the duty of the person acting as clerk of the Crown, clerk of the peace, or registrar, as the case may be, of any court to which persons shall have been summoned at the commencement of the sittings of such

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court, or as soon thereafter as conveniently may be, even though there be no business requiring the empannelling of a jury, to call over the panel returned by the sheriff, and to mark thereon the names of all jurors who shall have attended and answered when called, and immediately after the termination of the sittings of such court to return a copy of such panel so marked to the sheriff, who shall thereupon mark on the jurors book the names of the jurors who have attended in obedience to such summons :

2. The persons whose names shall be returned to serve as grand jurors or petit jurors at any general quarter sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is held, and where such sessions or civil bill court are or is held at more than one place in such division, the jurors returned shall be resident within such petty sessions district or districts conveniently near to the place in which such sessions or court are or is held as may be prescribed by the chairman of such county in any order made under the authority of this Act, and for such purpose the sheriff or other officer in returning the said names according to the alphabetical order of selection shall when necessary for the purpose of complying with this enactment omit the name of any person not resident in such division, and may for such purpose omit the name of any person not resident in the petty sessions district or districts so prescribed as aforesaid :
3. Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode for the purpose of such attendance, it shall be lawful for the judge of such court in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in such travelling, to grant to such juror a certificate of exemption for the next occasion or occasions when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever ; and if such certificate shall be forwarded to the office of the sheriff within whose bailiwick such court was held within ten days from the granting thereof, but not otherwise, an entry of the same shall be made opposite the name of such juror in the general jurors book or special jurors book ; and thereupon the sheriff or other officer shall omit to select such juror on the occasion or occasions specified in such certificate when such juror would

be selected in ordinary course; and after every such omission the sheriff or other officer shall, in making any subsequent selection and return, treat such juror as though he had on the occasion of each such omission been duly selected, returned, and summoned, and had attended in accordance with such summons.

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5 5. Where any general quarter sessions of the peace or any civil bill court are or is held at more than one place in any division of a county, the chairman of such county shall within three months after the passing of this Act, by order under his hand and seal, direct that the jurors returned to serve as grand jurors or petit jurors at such general quarter sessions or civil bill court shall be resident within such petty sessions district or districts as may in his opinion be conveniently near to the place in which such sessions or court are or is held, and as are prescribed by such order, and he shall forthwith, after the making of such order, deliver the same to the clerk of the peace for such county, by whom it shall be duly filed in his office and preserved among the records of such county, and the clerk of the peace for such county shall forthwith transmit a copy of such order to the sheriff of such county for the time being, and to every succeeding sheriff of such county immediately after his appointment to his office of sheriff, and from and after the making and filing of such order in manner aforesaid, the jurors at such courts shall be summoned in accordance therewith.

Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.

25 6. Section twenty-one of the Juries (Ireland) Act, 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted that, save as by the Juries (Ireland) Acts, 1871 to 1872, and by this Act expressly provided, the summons of every person to serve on any jury in any court shall be made four days at least before the day on which the attendance of such person shall be required by a constable or sub-constable of the Royal Irish Constabulary acting in and for the county or borough in which such person shall reside by delivering a summons to the person to be summoned, or in case he shall be absent from his usual place of abode, by leaving such summons with some person therein inhabiting, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff or other officer, previous to such summons being delivered to such constable or sub-constable for service; and every constable or sub-constable summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned

Summoning of jurors. 34 & 35 Vict. c. 65, s. 21.

Books of summonses to be kept.

A.D. 1876. by him, with the day on which such summons shall be served, and the manner and particulars of the service thereof, and every such constable and sub-constable shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be 5 produced to the court in case of his unavoidable absence, and in case of the death, illness, or unavoidable absence of such constable or sub-constable, the book kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be *prima facie* 10 evidence of the truth of the several matters entered therein as aforesaid, and if any such constable or sub-constable shall, without reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or 15 cause to be produced the said book or books as herein-before provided, every constable or sub-constable so offending may, for every such neglect, be fined by the court in a summary way in any amount not exceeding ten pounds for each such offence, with the alternative of imprisonment in default of payment of such fine for 20 any period not exceeding seven days.

Execution  
of Act by  
Royal Irish  
Constabulary.

7. The officers and men of the Royal Irish Constabulary shall respectively afford assistance to sheriffs and other officers in the execution of this Act, and, subject to such regulations as may be made under this Act, do such acts as may respectively be required 25 of them and as they may be able to do without interfering with their permanent duty.

The Inspector General of the Royal Irish Constabulary shall make such orders with respect to the execution of this Act by the officers and men of the said constabulary as he may think proper and as the 30 Chief Secretary to the Lord Lieutenant of Ireland shall approve, and he may from time to time and with the like approval revoke, alter, or amend such orders, or may make new orders in lieu of the same.

Judges may  
order jury  
summons to  
be sent by  
post.

8. It shall be lawful for any judge of assize in any county 35 from time to time by order under his hand to direct that the summonses for the attendance of jurors in such county or any part of the same shall for such period as may be specified in such order be served by post, and every such order shall be entered in the Crown Book; and thereupon the provisions of the Juries Act 40 (Ireland), 1871, in reference to the transmission by post of jury summonses in the county of the city of Dublin shall during the

period specified in such order be and the same are hereby extended to the summoning of jurors and service of notices in such county, or such part of such county.

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9. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which the expenses of printing and the remuneration of clerks of the peace, clerks of poor law unions, and the collector-general of rates in the city of Dublin, in carrying into execution the several purposes of the *Juries (Ireland) Acts*, and thereby made payable, shall be calculated, and thereupon such expenses and remuneration shall in each case be calculated according to the scale or scales fixed by such order, and for the time being in force and not otherwise.

Lord Lieutenant in Council to fix limits of expenses.

10. In all civil trials in the superior courts, each party shall be entitled to challenge without cause assigned six jurors, and in the inferior courts three jurors, and by leave of the court any greater number, and in all trials of indictments for misdemeanor and informations, the party on trial shall be entitled to challenge without cause assigned six jurors.

Challenges in civil and criminal trials.

11. On the trial of any indictment or information the court or judge may at any time after the jurors have been sworn to try the case, and before they shall give their verdict, order that they shall have a view of any place named in such order, and may for that purpose adjourn the trial and may order the costs and expenses occasioned thereby to be paid as part of the costs of the prosecution when the Crown is the prosecutor, and in other cases in like manner as costs are ordered to be paid when the costs of prosecution or defence are allowed by the judge under the Acts in that behalf now in force. And the court or judge shall give such directions as shall seem requisite for the purpose of preventing undue communication with such jurors, provided that no breach of any such directions shall be deemed ground of mistrial or of error.

Adjournment to enable jurors to view places.

12. In cases where a female upon a capital conviction alleges, or the court has otherwise reason to suppose that she is pregnant, no jury de ventre inspicendo shall be empannelled or sworn, but the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child of a quick child, the court shall stay execution of the sentence until

Juries de v. in. abolished. Power for court to direct inquiry by medical men.

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such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered, and in such case the court may order the expenses of such inquiry to be paid as part of the costs of the prosecution.

Power to correct jurors books may be exercised by any judge, &c.

36 Vict.  
c. 27, s. 4.

13. All the powers under section fifteen of the Juries Act (Ireland), 1871, of ordering a general jurors book or special jurors book to be corrected or amended, may be exercised by any judge at any time during the sitting of his court, upon sworn testimony or any other evidence or information satisfactory to such judge, and shall extend to and include the expunging from any general jurors book or special jurors book, as the case may be, of the name of any person contained therein who may be exempted or disqualified from serving on juries under this Act, though not so exempted under the Juries Act (Ireland), 1871.

Power to judge to excuse jurors from serving.

36 Vict.  
c. 27, s. 6.

14. Whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts: It is hereby declared and enacted, that it shall be lawful for the judge, if he shall so think fit, of any court before which any person may be summoned as a juror, to discharge such person from further attendance on such court, or to excuse such person from attendance for any period during the sittings of such court.

Repeal of section 24 of 34 & 35 Vict. c. 65.

15. From and after the passing of this Act, section twenty-four of the Juries Act (Ireland), 1871, shall be and the same is hereby repealed.

Challenge to the array.

16. From and after the passing of this Act, no challenge to the array shall be allowed for any cause except partiality of the sheriff or other officer returning the panel.

Names of persons summoned as grand jurors at Green Street not to be mis-taken or omitted in taking subsequent panels.

36 Vict.  
c. 27, s. 7.

17. Whenever the sheriff or other officer shall select persons to be returned to serve as grand jurors at any general sessions of the peace or at the sittings of the court of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, he shall not initial in any jurors book the names of the persons so selected to serve as grand jurors as aforesaid, and in preparing any subsequent panel of jurors, such sheriff or officer shall not omit to take the name of any person whom he may have previously thereto selected and summoned to serve as such grand juror as aforesaid on account of his having already summoned such person to serve as such grand juror.

Names of jurors in criminal cases to be ballotted for.

18. The name of each man who shall be summoned and empannelled as a juror in any court for the trial of criminal issues, with the place of his abode and addition, and his number upon the



panel, shall be written on a distinct piece of card, such cards being all as nearly may be of an equal size, which shall be delivered unto the proper officer by the sheriff or other officer returning the process, and the same shall, under the direction and care of such officer, be put together in a box to be provided for that purpose, and shall be shaken together; and when any criminal issue shall be brought on to be tried, such officer shall in open court draw out the said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number have answered to their names, as in the opinion of the court will probably be sufficient after allowing for challenges of jurors and directions to stand aside, to provide a full jury; and thereupon the officer shall proceed to swear the jury, each juror being called to swear in the order in which his name was so drawn, until after subtracting all just challenges allowed, and jurors directed to stand aside, twelve jurors shall be sworn; and if the number so answering shall prove insufficient to provide such full jury, the officer shall proceed to draw further names from the box, and call same in manner aforesaid, until after challenges allowed and jurors directed to stand aside, twelve jurors shall be sworn. Provided always, that nothing herein contained shall deprive the prisoner of his right to have the inquest taken, and for that purpose in case by challenges and directions to stand by the panel shall be exhausted without leaving a sufficient number to form a jury, those who have been directed to stand by shall be again called in the order in which they were drawn, until the jury shall be completed, but as regards such last-mentioned jurors subject only to such and no other right to challenge or direct to stand aside as would in like case have existed if this Act had not been passed; and the twelve men who in manner aforesaid shall be ultimately sworn shall be the jury to try such issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall be discharged; and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so to be kept with the same as long as any issue remains to be tried: Provided also, that when the prosecutor and prisoner in any criminal case shall not object thereto, the court may try any such issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name

A.D. 1876. or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried: Provided also, that omission to follow the directions in this section shall not be deemed ground of mistrial or of error. 5

Amendment  
of 13 & 14  
Vict. c. 85,  
as to county  
of the town  
of Drogheda.

19. The powers conferred upon the Lord Lieutenant and other chief governor or governors of Ireland and Privy Council of Ireland by the Act of the session of Parliament held in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An 10  
" Act to provide for holding the assizes of certain counties of cities  
" and towns in Ireland in the assize towns of the adjoining counties  
" at large in certain cases; and to make provision as to gaols in  
" case of the change of assize towns," may, with respect to the  
county of the town of Drogheda, be exercised as and when such 15  
Lord Lieutenant or chief governor or governors, by and with the  
advice of the Privy Council of Ireland, shall think fit, and without  
any application of or memorial from the grand jury at any assizes  
for the said county of the town of Drogheda, and without any  
resolution of the grand jury of the county at large; and all the 20  
provisions of the said Act which relate to the application by  
memorial or resolution of grand juries shall and are hereby  
declared not to be necessary in the case of any exercise of the  
powers aforesaid with respect to the said county of the town of  
Drogheda. 25

Exemption  
from serving  
on juries.  
34 & 35 Vict.  
c. 65. s. 6.

20. From and after the eleventh day of January one thousand eight hundred and seventy-seven the provisions of the Juries (Ireland) Acts which relate to the exemption of persons from serving on juries, inquests, or inquiries shall be and the same are hereby repealed; and thereupon the persons described in the first 30  
schedule to this Act annexed shall be absolutely freed and exempted  
from being returned, and from serving on any jury, inquest, or  
inquiry in any court or on any occasion whatsoever, and the names  
of such persons shall not be inserted in any jurors lists or jurors books  
to be prepared after the passing of this Act by virtue of the Juries 35  
(Ireland) Acts: Provided that no verdict or trial shall be invalid or  
impeached on the ground that any person so exempted was sworn  
and served upon the jury which found such verdict at such trial.

Disqualifica-  
tions.

21. In addition to the persons not qualified under the Juries (Ireland) Acts to serve on juries, inquests, and inquiries, no man 40  
who has been or shall be convicted of perjury, unless he shall obtain

a free pardon, is or shall be qualified to serve on juries, inquests, or inquiries in any court, or on any occasion whatsoever.

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22. Whereas the enactments specified in the second schedule to this Act annexed were made for the establishment of market juries, and such juries are not any longer necessary: Be it therefore enacted that from and after the passing of this Act the said enactments specified in the said second schedule to this Act annexed shall be and the same are hereby repealed.

Abolition of  
market  
juries.

A.D. 1876.

## FIRST SCHEDULE.

## EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

Clergymen in Holy Orders and other persons who shall teach or 5  
 preach in any religious congregation, and who do not follow any  
 secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to  
 any court of justice in Ireland.

Persons of the following professions actually practising :— 10

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified.

Civil engineers. 15

Public notaries and actuaries entitled to grant statutable  
 certificates.

Professors, schoolmasters, or teachers, in any college, academy,  
 or school.

Persons holding any public office under Her Majesty's Govern- 20  
 ment, or any public department, or under any local authority, and  
 paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be con-  
 sumed on the premises.

Masters of vessels and duly licensed pilots. 25

Persons who cannot read and write the English language, or who  
 from lunacy, imbecility of mind, deafness, blindness, or other per-  
 manent infirmity are unfit to serve as jurors.

And persons heretofore exempted by virtue of any prescription,  
 charter, grant, writ, or local Act of Parliament. 30

## SECOND SCHEDULE.

Session and Chapter.	Title or Abbreviated Title.	Extent of Report.
<i>Acts of the Parliament of Ireland.</i>		
5 18 & 19 Geo. III. c. 22.	An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned.	Section 73.
10 15 & 16 Geo. III. c. 20.	An Act to explain and amend an Act intimated An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned, and for extending the provisions of the said Act to the burrows of Saint Sepulchre's and Dorcas.	Section 43.
15 20 27 Geo. III. c. 46.	An Act for establishing Market Juries in Cities.	The whole Act.
25 26 Geo. III. c. 43.	An Act for continuing the Acts relative to Bankrupts, and for reviving, continuing, and amending certain temporary Statutes.	Section 2.

**Juries Procedure**  
**(Ireland).**

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**BILL**

[AS AMENDED IN CONSEQUENCE]

To amend the Procedure connected with  
Trial by Jury in Ireland

*(Prepared and brought in by  
Sir Michael Hicks Beach and Mr. Schomberg  
Greville for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
30 May 1878.*

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[Bill 176]

*Under 2 os.*